

7

Sanitized - Approved For Release : CIA-RDP75-00149R00020

Secret CIA Report On Bomber Deal Revealed in Court

COPYRIGHT

COPYRIGHT

By ORR KELLY
Star Staff Writer

BUFFALO, N.Y.—The Central Intelligence Agency had evaluated but essentially accurate information on a plan to export bombers to Portugal four days before the first plane took off.

A secret CIA report made public in a federal courtroom here yesterday seemed to contradict the assurance given by a U.S. spokesman in the United Nations on Dec. 18, 1965 that the shipment of planes was done "with-sold" as executive planes. The out the knowledge of the United planes are then flown to Portugal and landed at the Tancos Air

In an extremely rare move, Force Base. The delivery schedule Lawrence R. Houston, general counsel to be one plane per counsel of the CIA, appeared in week beginning 24 May but the court here under subpoena from first plane was delayed so that it one of the two men on trial for would not be on the field when smuggling seven B-26 bombers French Defense Minister Messmer visited Tancos in late May. It is believed that 2 or 3 planes have now been delivered."

Houston brought with him what he said was the CIA's complete file on the case.

During the trial of John Four CIA reports on the plane Richard Hawke, pilot of the shipment were examined by seven planes that were delivered. Federal District Judge John O. O'Farrell, and Count Henri Marin de Henderson in his chambers and Montmarin, the alleged go- then made available to defense between in the deal, it has been censored to remove information from Tucson, Ariz., rather than about the CIA's sources and Texas, directly to Tancos, methods of obtaining the information without touching Switzerland.

At the time the CIA cable was distributed, only one plane had reached Tancos. Otherwise, the of the four secret reports was CIA report still appears essentially accurate.

Houston said the first information on the operation was received from Lisbon on May 25, 1965—four days before the initial report on the plane ship- first flight took off—and was distributed on June 10 in a CIA "Intelligence Information Cable"—but that cable" to the following agencies:

State Department intelligence section; Defense Intelligence Agency; Army, Navy and Air Force intelligence; Joint Chiefs of Staff; secretary of defense; National Security Agency; Agency for International Development, the U.S. Information Agency and five CIA offices.

The Cable

"Portugal," the cable said, "has purchased about 20 B26 aircraft from a private firm which is represented in Lisbon by Count Antoine de Beaumont. The planes are flown from a base in Texas to Canada where they are modified for extra fuel tanks to fly the Atlantic via an unknown refueling base. The planes are then flown to Switzerland, where they are ostensibly

"without the knowledge of the United States government."

The dilemma of the government in handling the plane smuggling case has become increasingly apparent in Judge Henderson's sixth-floor courtroom in the federal office building here.

The government had promised in the United Nations that the case would be vigorously prosecuted. But opening up the CIA files may make it more difficult to prove the case against Hawke and, perhaps, De Montmarin.

On the other hand, the government feared that if the CIA relied on executive privilege to keep its files from being made public, the case might end in a mistrial.

In the end, it was decided to permit Houston to be called as a defense witness for Hawke rather than as a prosecution witness.

As yesterday's court session ended, Marger—holding a copy of the book, "The Invisible Government," in his hand—was attempting to learn from Houston whether the CIA had been authorized by the National Security Council to carry out clandestine operations only if they are "secret and plausibly deniable."

Judge Henderson recessed the trial until 9:30 a.m. Tuesday before Houston was required to answer the question.

In another case being heard in Baltimore federal court, the CIA has made available a directive it received from the National Security Council. But the CIA has insisted that the document not be shown to the plaintiff in the case, who is suing a CIA agent for slander for calling him a "Soviet intelligence operative." His lawyers have refused to examine the document.

FOIAb3b